

 Internal Case Management System Worksheet - Case Closing					Top Allegation OFFICIAL STATEMENT - FALSE STATEMENT - PG		Group G22-GROUP 22 Date of This Report 01/25/2018	
Date Reported 12/28/2017	Date Assigned 12/28/2017	IAB Log No. 2017-51451	Case No. (G22) M-2019-833	Folder Type MISCONDUCT	Preliminary Case Type OTHER	Follow-Up No.	Worksheet Tracking No. 2602092	

Topic/Subject (Case Closing) CASE CLOSING (UNSUBSTANTIATED)	Activity Date 01/29/2018	Activity Time 00:00
---	------------------------------------	-------------------------------

Referred to Group -	Conferred With	Next Review Date
-------------------------------	-----------------------	-------------------------

Closing Statement

Case #:
OG-2017-26436

Log #:
2017-51451

Subject Officer(s):
Sergeant Howard Roth, Tax #949582, 47th Precinct
Date of Appointment: 07/06/2010
Probation (at time of incident): No
Current Duty Status: Full Duty

Date Case Received:
January 1, 2018

Date of Occurrence:
May 8, 2017

Administrative Statute of Limitations Expires:
November 8, 2018

Classification:
N/A

Investigator:
Sergeant Edward Ho, Tax #944270

Team Leader:
Lieutenant Michael Inserra, Tax #922535

Overall Case Disposition:
Unsubstantiated

Details:
2017-51451- On December 28, 2017, the Department received a letter from the New York City Department of Investigations (DOI). The letter stated they had concluded an investigation on the subject officer, Howard Roth. The letter stated that DOI investigators determined that the subject officer used his position as an NYPD officer for personal gain. On May 8, 2017, while present at the Long Island Taxi and Limousine Commission (TLC) office, the subject did display his credentials and ask for courtesy on his application for a license renewal after being told he had to complete the application online. The subject was also discourteous and unprofessional in his behavior when he was told his application must be processed online instead of at the facility. Sergeant Roth allegedly threatened to summons TLC employees as he was leaving the facility.

Identification and Interview of Complainant:
N/A

Identification and Interview of Witnesses:
The investigating officer re-interviewed the three witnesses who were interviewed by the Department of Investigations. They were all Taxi and Limousine Commission employees: [REDACTED] the supervisor, [REDACTED] a clerk, and [REDACTED] a security guard. The three witnesses were interviewed on January 2, 2018 and their accounts of the incident on May 8, 2017 was as follows:

The subject officer appeared at the TLC office early in the day with his father. The subject officer was attempting to renew his TLC license in person when he was informed by [REDACTED] that the process recently changed, and that he would need to complete the renewal online. The subject officer identified himself as a New York Police Department Officer by his shield and Identification card, asking [REDACTED] to complete the renewal for him. [REDACTED] had to repeat herself and stated she could not bypass the new rules and the subject officer asked for a supervisor.

At this point, [REDACTED] was nearby and pulled the subject officer to the side and again explained the new process to the subject officer who identified himself again as a police officer. [REDACTED] similarly explained that there was no way to assist the subject officer at the TLC Office, at which point the subject left and stated to [REDACTED] that he would return to summons everyone because of this poor service.

The three witnesses stated that the subject officer was using obscenities and was visibly upset, though he never made any threats towards anyone, nor did he follow up with his threat to summons the employees.

Identification of Subject Officer:

Sergeant Howard Roth, currently assigned to the 47th Precinct, was assigned to the 46th Precinct as a police officer at the time of the incident. He was identified through TLC records and video surveillance of the incident. He is currently a sergeant in the 47th Precinct, having been promoted on July 28, 2017.

Review of Department Records:

City Time Records - ☐ This showed that the subject was not working on the date of the incident, May 8, 2017.

Computer and Related Background Checks:

PEPR - Sergeant Roth is authorized to engage in off-duty employment as a TLC operator. The authorization is set to expire on February 21, 2018. The subject officer was a police officer during the incident and was subsequently promoted to sergeant and assigned to the 47th Precinct.

ICIS/IAPRO - There were no similar allegations in the subject officer's history.

CCRB - There were no substantiated or relevant incidents in the subject's CCRB history.

Conferrals Conducted:

Department of Investigations - Investigators conferred with DOI investigators and determined their investigation was based on interviews with the witnesses and video surveillance. The subject officer did not make any statements during his interview with DOI.

Other Information of Investigative Value:

Surveillance Video ☐ - The Department of Investigations had retrieved video of the incident. In it, the subject officer is seen interacting with the TLC employees; however, there is no audio and the video was deemed inconclusive. He is seen speaking with the clerk, and then briefly with [REDACTED] although his father speaks with [REDACTED] at length, after the subject officer leaves the area.

Patrol Guide 206-13 Hearings:

On January 24, 2018, investigators interviewed Sergeant Roth in regards to this incident. Sergeant Roth stated that he went to the Taxi and Limousine Commission Office on May 8, 2017, his day off. He was there to renew his TLC license since he has authority to engage in off duty employment. He stated that the clerk was very rude to him when she explained that he had to complete the transaction online, and that he identified himself as a member of the Department to her because she was speaking in a condescending manner. He did not recall using any obscenities with her but admitted he was upset.

Sergeant Roth did not recall the interaction with the TLC supervisor, [REDACTED]. He stated he eventually left the office after disputing with the clerk, and that he did not recall making the threat of summoning TLC employees. He stated he never threatened any of the employees in the office. Sergeant Roth eventually renewed his license using a computer in the building. He stated he was called to an interview at the Department of Investigations on October 11, 2017, and that this was told to him by his Integrity Control Officer. He did not make any statements after being advised not to by his attorney and his SBA delegate.

Supervisory Deficiencies:

N/A

Conclusion:

The investigators reviewed the surveillance video of the incident and interviewed the three witnesses who interacted with the subject officer. This was a dispute that occurred while the subject officer was off-duty, and not acting in his capacity as a police officer.

There was no evidence to prove or disprove the allegations in this case. Although the Department of Investigations did determine that the subject used his position to obtain a personal gain, it was determined that their case was based on interviews of the witnesses, and they failed to obtain any statements from the subject officer due to the recommendation of his attorney.

Since the subject officer was notified by the Department (his Integrity Control officer) to appear at a DOI hearing, and was not informed of any specific allegations, the allegation that he failed to notify the Department of any wrongdoing is deemed

UNFOUNDED. The FADO allegations and Off-Duty Incident are deemed UNSUBSTANTIATED as there was no evidence to prove or disprove any misconduct.

Subjects Involved

Name 949582 HOWARD ROTH SGT (047-047 PRECINCT)	Status UNIFORM MEMBER OF SERVICE	Sex MALE	Race WHITE	Dob [REDACTED]
--	--	--------------------	----------------------	--------------------------

Allegations

1	Full Allegation Off Duty Incident (Not Domestic) - Other Off Duty Incident	Classification Abuse of Dept Regulations	Allegation Index VRP-Violation Rules/Procedures	Allegation Date 12/28/2017	Finding 04 - Info. and Intelligence	Finding Date 01/25/2018
	Comments The allegation of off duty incident was deemed I&I and documented the incident that occurred at TLC Offices.					
2	Full Allegation FADO Abuse of Authority -	Classification Abuse of Dept Regulations	Allegation Index FADO	Allegation Date 12/28/2017	Finding 04 - Info. and Intelligence	Finding Date 01/28/2018
	Comments The allegation is being closed as I&I as the investigation falls under the jurisdiction of CCRB.					
3	Full Allegation Fail to Notify - Duty Captain/Operations	Classification Abuse of Dept Regulations	Allegation Index Fail to Make Notification	Allegation Date 12/28/2017	Finding 10 - Unfounded	Finding Date 01/28/2018
	Comments This allegation is considered unfounded as when the subject was notified of the allegation/hearing from DOI, he was informed by the Department and provided with SBA counsel and representation.					
4	Full Allegation Official Statement - False Statement - PG	Classification Perjury/False Statements	Allegation Index GO15-PG 206-13	Allegation Date 03/25/2019	Finding 07 - Substantiated	Finding Date 06/03/2019
	Comments This allegation is being added for the reason that during SGT Roth's PG Hearing, Sgt Roth stated he never threatened to take official action against TLC employees. Sgt Roth admitted in his Conflict of Interest Board Disposition that he did in fact state he would take official action against TLC employees. Spec 1: Said Sergeant Howard Roth, while assigned to the 47th PCT and off duty, on or about January 24, 2018, during an official interview conducted by the New York City Police Department pursuant to the provisions of Patrol Guide 206-13, wrongfully made false statements to investigators from the Internal Affairs Bureau					
5	Full Allegation Charges & Specifications - IAB	Classification NOTIFICATION/Additional Information	Allegation Index CS-Charges and Specifications	Allegation Date 05/30/2019	Finding 04 - Info. and Intelligence	Finding Date 06/03/2019
	Comments Spec 1: Said Sergeant Howard Roth, while assigned to the 47th PCT and off duty, on or about January 24, 2018, during an official interview conducted by the New York City Police Department pursuant to the provisions of Patrol Guide 206-13, wrongfully made false statements to investigators from the Internal Affairs Bureau P.G. 203-08, Page 1, Para. 1 Making false statements					

ATTACHMENT

1	 'Notice of Disposition'
----------	--

Reporting Officer:	Rank SGT	Name HO EDWARD	Tax Reg. No. 944270	Command G22-GROUP 22
---------------------------	--------------------	--------------------------	-------------------------------	--------------------------------

Reviewing Supervisor:	Manner of Closing 9 - UNSUBSTANTIATED	Date Reviewed 01/30/2018	Date of Next Review	Name GIORDANO CHRISTOPHE		Supv. Tax No. 915801
Endorser:	Rank CPT	Name GIORDANO CHRISTOPHE	Tax Reg. No. 915801	Command G22-GROUP 22	DateTime Reviewed 01/30/2018 19:55	Status Approved
	Comments APPROVED. I CONCUR WITH THE FINDINGS.					